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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,517	03/08/2002	Takafumi Noguchi	Q66506	3791
7590 01/13/2005 SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC Suite 800 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3213			EXAMINER LAM, HUNG H	
			ART UNIT	PAPER NUMBER
			2615	
DATE MAILED: 01/13/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/092,517	NOGUCHI, TAKAFUMI	
	Examiner	Art Unit	
	Hung H. Lam	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/08/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 rejected under 35 U.S.C. 103(a) as being unpatentable over Inai et al. (US-4,437,111) in view of Konishi (US-4,774,564).

Regarding **claim 1**, Inai et al. disclose an image capturing method in which an image of a subject is captured by an image capturing device using image capturing optics (Fig. 3, optical lens 1-4; col. 2, lines 22-28) and an image capturing signal from said image capturing device (5) is subjected to specified processing schemes including a

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color separating process (Fig. 3, Y color separator process 7-11; col. 2, lines 39-51), thereby producing an image signal, said method comprising the steps of:

determining whether sensitivity of said image capturing device is insufficient or not during image capturing (Fig. 3, brightness detector 13, brightness determining circuit 14; col. 2, lines 51-67);

when the sensitivity of said image capturing device is insufficient, relatively increasing at least one of an overlapping region of spectral sensitivity of said image capturing device (col. 4, lines 50-61; when brightness is below the set level, infrared filter is removed to increase the sensitivity of the pickup-tube);

when the sensitivity of said image capturing device is sufficient, relatively decreasing at least one of the overlapping region of the spectral sensitivity of said image capturing device (col. 4, lines 38-49; when brightness is above the set level, infrared filter is inserted to decrease the sensitivity of the pickup-tube).

However, Inai et al. fail to disclose that when the brightness is bellow or above the set level, the corresponding intensity of color separating process is increased or decreased.

In the same field of endeavor, Konishi teaches an electronic still camera wherein the intensity of the RGB/color separating process is set to a predetermined level if it is possible (Figs. 6 and 7) or disengaged and continued in manual mode (col. 13, lines 47-53). Konishi further teaches that the gains of the G and B signals of the color separating process are increased when color temperature detects low light; otherwise, the system is disengaged to complete the photographing in manual mode (col. 13, lines 30-55). In light of the teaching from Konishi, it would have been obvious to one of ordinary skill in the

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art at the time the invention was to increase or decrease the intensity of the color separating process taught by Konishi into the teaching of Inai et al. in order to provide an improved camera capable of controlling the gain-variable independently with respect to the three primary colors in dependence upon the measured color temperature (Konishi, col. 3, lines 47-53).

Regarding **claim 2**, Inai as modified by Konishi, discloses the image capturing method wherein the overlapping region of the spectral sensitivity of said image capturing device is an infrared region (Inai, Fig. 3, Infrared Filter 3; col. 3, lines 1-12; the spectral sensitivity of the image capturing device is adjusted by inserting or removing the infrared filter).

Regarding **claim 3**, Inai as modified by Konishi fails to explicitly disclose that the color separating process is an under color removal scheme. However, the examiner takes an Official Notice that it is well known and expected in the art to include an under color removal in the color separating process. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was to have an under color removal scheme as a process of the color separating process taught by Inai and Konishi.

Regarding **claim 4**, all limitations are contained in claim 1. See the rejection of claim 1 above.

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Regarding **claim 5**, all limitations are contained in claim 2. See the rejection of claim 2 above.

Regarding **claim 6**, all limitations are contained in claim 3. See the rejection of claim 3 above.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Levine et al. (US-4,695,878) disclose a color television camera having a removable infrared rejection filter.

b) Vogel (US-5,668,596) discloses a digital imaging device having optimized color performance.

d) Yanagita et al. (US-6,781,714) disclose a color image processing system and method in which the color separator performs a reverse under color removal/ black generation conversion.

e) Takemoto (US-6,668,079) discloses a method of processing image signal wherein the color separating default condition includes color removal process.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung H. Lam whose telephone number is 703-305-8143.

The examiner can normally be reached on Monday - Friday 8AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, NGOC YEN VU can be reached on 703-305-4946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HL
01/10/2005


NGOC-YEN VU
PRIMARY EXAMINER